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8 Co-counsel for Angus, A. MacNaughton, Edgar A.  
9 Rainin, Thomas W. Hook, and Yoav Rubinstein

10 IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

12 In re:

13 YELLOWSTONE MOUNTAIN CLUB,  
14 LLC, et al

15 Debtors.

No. 08-61570-11  
*Jointly Administered*

**MOTION TO ALLOW CLAIMS  
FOR VOTING PURPOSES  
(CLASS 4) AND OBJECTION  
TO PLAN**

17 COMES NOW Angus A. MacNaughton, Edgar A. Rainin, Thomas W. Hook, and Yoav  
18 Rubinstein, by and through their counsel, Ford Elsaesser, of the firm Elsaesser Jarzabek Anderson  
19 Marks & Elliott, Chtd., and moves for temporary allowance of claims for voting purposes with  
20 regard to the following claims:

22                   Angus A. MacNaughton	\$1,750,000.00 - Claim #427-2
23                   Edgar A. Rainin	\$1,750,000.00 – Claim #690-1
24                   Thomas W. Hook	\$400,000.00 - Claim #691-1
25                   Yoav Rubinstein	\$1,750,000.00 - Claim #697

26 MOTION TO ALLOW CLAIMS FOR VOTING PURPOSES  
(CLASS 4) AND OBJECTION TO PLAN - 1

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All of the claims listed above do not arise from membership in the Yellowstone Mountain Club, LLC, but rather, arise from claims against the Debtors' related to the deposit and purchase of memberships in Yellowstone Club World.

The above claimants were not mailed ballots, but have submitted ballots to the balloting agent. However, such ballots should have been in Class 4, which ballots balloting agent would not provide.

These claims do not relate to any rejection of memberships, as those types of claims are described in the Court's recent memorandum decisions concerning subordination and membership claims generally. If allowed, these claims are, rather, claims against the Debtors for damages resulting from the sale to claimants of memberships in Yellowstone Club World, LLC, and if allowed, would be simple, general, unsecured claims against the Debtors.

WHEREFORE, for the purposes of voting only, the above-named creditors move that their claims be allowed for voting purposes.

Further, with regard to the treatment of unsecured creditors generally, the above-creditors join in the objections to confirmation of the Second Amended Joint Plan of Reorganization, dated April 3, 2009 (Docket #851), which objections were previously filed by Yellowstone Club World, LLC, (Docket #852), and Greg LeMond, Jorge Jasson, David Morris, Sacia Morris and Sacia Enterprises, Inc. (Docket #857), with regard to the issues of classification and the preferential treatment of the “trade creditor fund.”

Respectfully submitted this 14<sup>th</sup> day of May, 2009.

/s/  
Ford Elsaesser

**MOTION TO ALLOW CLAIMS FOR VOTING PURPOSES  
(CLASS 4) AND OBJECTION TO PLAN - 2**

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## CERTIFICATE OF SERVICE

I certify under penalty of perjury that on May 14, 2009, I served a true and correct copy of the foregoing on the counsel listed below via regular first class mail, postage prepaid:

James A. Patten  
Patten, Peterman, Bekkedahl & Green  
2817 Second Avenue North, Suite 300  
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Office of the United States Trustee  
Liberty Center, Suite 204  
301 Central Avenue  
Great Falls, MT 59401

/s/  
LaPointe, PACE Registered Paralegal

MOTION TO ALLOW CLAIMS FOR VOTING PURPOSES  
(CLASS 4) AND OBJECTION TO PLAN - 3

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